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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,333	12/12/2003	Abhinav Aggarwal		3776
59597 7590 07/11/2008 DR. ABHINAV AGGARWAL 100 SAINT AYERS WAY CHAPEL HILL, NC 27517				
EXAMINER KOPPIKAR, VIVEK D				
ART UNIT		PAPER NUMBER		
3626				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,333

Applicant(s)

AGGARWAL, ABHINAV

Examiner

VIVEK D. KOPPIKAR

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/12/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____
- Paper No(s)/Mail Date ____

Status of the Application

1. Claims 1-15 have been examined in this application. This communication is the first action on the merits. The Information Disclosure Statement (IDS) filed on DATE has also been acknowledged.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation “The public domain access would reveal no more information than what is normally available on a personal business card” is indefinite because various business cards can containing varying and sometimes disparate types of information. The Office recommends amending the claims to more clearly define what type of information is includes and is not included on the public access domain. For the purposes of examination, the Office will interpret this claim to encompass any type of system which restricts access to at least some or any type of information.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear where the preamble of this claim ends and where the body of the claim begins. In addition the claim sets forth broad concepts (e.g retrieval process for human identification) without particularly pointing out the specific limitations in the invention which

embody these concepts. For the purposes of examination, the Office will interpret Claim 1 to broadly encompass any human identification system that uses DNA technology.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitations “easy to recall” and “personal information of a confidential nature” are indefinite because reasonable minds can differ on what type of Universal Identification Number (UIN) is easy to recall and what information is considered to be confidential in nature. For the purposes of examination, the Office will interpret this claim as encompassing any type of identification number or data and any system which does not reveal or conceals at least some or any type of information.

Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation “all relevant contact and emergency information that they may need to perform immediate treatment” is indefinite because reasonable minds can differ on what is “all relevant contact and emergency information that they may need to perform immediate treatment.” For the purposes of examination, the Office will interpret this limitation to encompass any contact and emergency information.

Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation “additional information that is vital for life saving purposes” is indefinite because reasonable minds can differ on what encompasses “additional information that is vital for life saving purposes”. For the purposes of examination, the Office will interpret this

limitation to encompass any information which is printed on or available through an identification means

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation “an attempt towards making this world a better place to be by Global Integration” is indefinite because reasonable minds can differ on what encompasses an attempt towards making this world a better place to be by Global Integration”. For the purposes of examination, the Office will interpret this limitation to encompass any invention which increases, enhances or facilitates global communications or global integration.

Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation “as explained in the attachments appended to this application” is indefinite because there are several attachments in this patent application and it is not clear what attachments the applications are referring to. For the purposes of examination, the Office will interpret this limitation to encompass any identifier that is derived from a date or a time.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In line 6 of Claim 11, the phrase “fields like” is used followed by a list of types of personal information and it is not clear whether the applicants are intending to claim all these fields of personal information as existing in the confidential domain or if they are simply giving examples of types of personal that can exist in this domain. For the purposes of examination, the

Office will interpret these fields as merely denoting examples of types of personal information which exist in the confidential domain.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 8, 11 and 13-15 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent number 6,968,457 to Tam.

(A) As per claim 1, Tam teaches a system for unique human identification and association method and steps to capture and store data and DNA samples related to issue of Universal Identification Number (UIN) and a subsequent retrieval process for human identification and tracking involving various application viz. medical emergencies, public domain interest profile, and confidential data by authorized agencies (Tam: Col. 3, Ln. 4-12).

(B) As per claim 15, in Tam a DNA sample is obtained from the UIN applicant and stored securely by the UIN issuing and identity protection agency in a secure environment. This DNA sample shall be released only in the case of the need to do so, upon appropriate request by a court of law under its authority and jurisdiction, in specific country that may normally be the residence nation of UIN holder, to settle matters related to identify fraud or eradication of terrorism. The DNA sample is referenced to the UIN (Tam: Col. 3, Ln. 4-12).

(C) As per claim 8, in Tam the data that is collected and makes the basis for issue of the UIN is divided in 3 sections, namely, Public, Health, and Confidential (Tam: Col. 3, Ln. 63-67).

(D) As per claim 13, in Tam the UIN holder shall be issued a UIN card that carried a UIN number, name of the UIN holder, picture of the UIN holder and a thumb impression for unique identification. Additional information that is vital for life saving purposes is printed on the inside of the card and is not visible from the outside. The UIN card is a folded card with four visible surfaces that can hold data and information about the UIN holder. While two of the surfaces are covered in the inside fold, the two outer surfaces form the front and back of the card (Col. 1, Ln. 45-53; Col. 8, Ln. 31-46 and Ln.55-67).

(E) As per claim 14, in Tam the UIN works as part of an integrated scheme and system that aims at eliminating terrorism, protecting identity, preventing fraud and is an attempt towards making this world a better place to be by Global Integration. UIN is supplemented by a tracking device that operates through satellite and radio signals, and the integrated system would become HITS (Human Identification and Tracking System) (Tam: Col. 1, Ln. 15-22 and Col. 2, Ln. 15-20).

(F) As per claim 11, in Tam the third section of data collected refers to Personal Information under the confidential domain. This data contains all the information about UIN holder that is of a confidential nature and captures fields such as Country of Birth with state, country, address of birth, time of birth, all detailed addresses where the UIN holder has lived over 5 years, details of educational qualifications with institutes attended. Also, fields like complete present addresses with telephone number, country of residence, country of citizenship and details of all identifications issued so far and all numbers issued (viz. ITIN, SSN# etc.) and details of all passports and visas ever carried or issued. This data is periodically updated and the UIN holder has to own the responsibility to submit data for verification and update to the UIN issuing authority. The data related to education qualifications including details of all schools attended, degrees or diplomas obtained, years of graduation, and subject of major. Professional affiliations, with all places of work and positions held, name of supervisor and address of workplace with dates worked. Professional societies, religious bodies or charitable and voluntary organization memberships and affiliations, positions held with dates since affiliated and addresses of the organizations. Details of birth marks and identification marks. In addition, DNA samples of the UIN holder shall be obtained (optionally), referenced with UIN and stored at a secure site in a protected environment (Tam: Col. 2, Ln. 21-35 and Col. 3, Ln. 63-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-7, 9-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tam, as applied to Claims 1,8, 12 and 13-15 above, and in further view of Official Notice.

(A) As per claims 2-7 and 9-12, these claims recite means for generating a Unique Identification Number (UIN) using alphanumeric digits, characters, user names and the date of issue of the UIN. These claims also recite means of generating a UIN in case a particular UIN that has been generated is not available or is invalid. These claims also recite the length of characters a particular field can be and also restricting access to personal information based on the identity of the user or the group the user belongs to. Finally these claims recite that in order for a user to access confidential information they must first enter a combination of three keys. Tam does not recite these features, however, the Office takes Official Notice that these features are well known in the field of computer security and identity theft protection and password generation. At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the teachings of Tam with these aforementioned features with the motivation of having a readily available and efficient means of generating a password which could be remembered by a user while also ensuring that a field does not contain an indefinite amount of information and also ensuring that a user's vital data is protecting while still giving authorities, emergency and medical personnel a means to access a user's information if the need arises.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, C. Luke Gilligan, can be reached at (571) 272-6770. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

/Vivek D Koppikar/

Examiner, Art Unit 3626

7/11/2008